
Introduced by Senator Escutia

February 20, 2003

An act to add Section 1310 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 489, as introduced, Escutia. Interstate Compact for Juveniles.

Existing law, the Interstate Compact on Juveniles, authorizes the Governor to execute for and on behalf of the state a compact with other party states, enacting remedies and procedures to effect the cooperative supervision of delinquent juveniles on probation or parole, the return of delinquent juveniles who has escaped, and the return of nondelinquent juveniles who have run away from home.

This bill would authorize the Governor to execute for and on behalf of the state the Interstate Compact for Juveniles to effect, through joint and cooperative agreement among the compacting states, that would, among other things, ensure that adjudicated juveniles and status offenders who are subject to the compact are provided with adequate supervision and services in the receiving state, ensure public safety interests of citizens, return juveniles who have run away, and provide for the effective tracking and supervision of juveniles. This compact would supersede the previous compact, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1310 is added to the Welfare and
2 Institutions Code, to read:

1310. The Governor is authorized and may execute for, on behalf of, and in the name of the State of California, a compact or agreement entitled, “Interstate Compact for Juveniles,” which compact or agreement, in words and figures, is substantially as follows:

INTERSTATE COMPACT FOR JUVENILES

Article 1. Purpose

A. This state and the other compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that the United States Congress, by enacting the Crime Control Act (4 United States Code Sec. 112), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

B. It is the purpose of this compact, through means of joint and cooperative action among the compacting states, to do all of the following:

1. Ensure that adjudicated juveniles and status offenders who are subject to this compact are provided with adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.

2. Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected.

3. Return juveniles who have run away, absconded, or escaped from supervision or control, or have been accused of an offense, to the state requesting their return.

4. Make contracts for the cooperative institutionalization in public facilities in member states of delinquent youth who need special services.

5. Provide for the effective tracking and supervision of juveniles.

6. Equitably distribute the costs, benefits, and obligations of the compact among the compacting states.

1 7. Establish procedures to manage the movement between
2 states of juvenile offenders who are released to the community
3 jurisdiction of courts, juvenile departments or any other criminal
4 or juvenile justice agency that has jurisdiction over juvenile
5 offenders.

6 8. Ensure immediate notice to jurisdictions where defined
7 offenders are authorized to travel or to relocate across state lines.

8 9. Establish procedures to resolve pending charges or detainees
9 against juvenile offenders before transfer or release to the
10 community under the terms of this compact.

11 10. Establish a system of uniform data collection pertaining to
12 juveniles who are subject to this compact that allows access by
13 authorized criminal justice officials and regular reporting of
14 compact activities to heads of state, executive, judicial, and
15 legislative branches, and criminal justice administrators.

16 11. Monitor compliance with rules governing interstate
17 movement of juveniles and initiate interventions to address and
18 correct noncompliance.

19 12. Coordinate training and education regarding the regulation
20 of interstate movement of juveniles for officials involved in that
21 activity.

22 13. Coordinate the implementation and operation of the
23 compact with the interstate compact for the placement of children,
24 the interstate compact for the supervision of adult offenders and
25 other compacts that affect juveniles, particularly in those cases
26 where concurrent or overlapping supervision issues arise.

27 C. It is the policy of the compacting states that the activities that
28 are conducted by the interstate commission created under this
29 compact are the formation of public policies and therefore are
30 public business. Furthermore, the compacting states shall
31 cooperate and observe their individual and collective duties and
32 responsibilities for the prompt return and acceptance of juveniles
33 who are subject to the provisions of this compact. The provisions
34 of this compact shall be reasonably and liberally construed to
35 accomplish the purposes and policies of the compact.

36
37 Article 2. Definitions
38

39 As used in this compact, unless the context clearly requires a
40 different construction:

1 1. “Bylaws” mean those bylaws established by the interstate
2 commission for its governance or for directing or controlling the
3 interstate commission’s actions or conduct.

4 2. “Compact Administrator” means the individual in each
5 compacting state who is appointed pursuant to the terms of this
6 compact and who is responsible for the administration and
7 management of the state’s supervision and transfer of juveniles
8 who are subject to the terms of this compact, the rules adopted by
9 the interstate commission and policies adopted by the state council
10 under this compact.

11 3. “Compacting State” means any state that has enacted the
12 enabling legislation for this compact.

13 4. “Commissioner” means the voting representative of each
14 compacting state who is appointed pursuant to article 3 of this
15 compact.

16 5. “Court” means any court that has jurisdiction over
17 delinquent, neglected, or dependent children.

18 6. “Deputy Compact Administrator” means the individual, if
19 any, in each compacting state who is appointed to act on behalf of
20 a compact administrator pursuant to the terms of this compact and
21 who is responsible for the administration and management of the
22 state’s supervision and transfer of juveniles who are subject to the
23 terms of this compact, the rules adopted by the interstate
24 commission and policies adopted by the state council under this
25 compact.

26 7. “Interstate Commission” means the interstate commission
27 for juveniles established by this compact.

28 8. “Juvenile” means any person who is defined as a juvenile in
29 any member state or by the rules of the interstate commission,
30 including:

31 (a) Accused delinquents. For the purposes of this subdivision,
32 “accused delinquents” means persons who are charged with an
33 offense that, if committed by an adult, would be a criminal offense.

34 (b) Adjudicated delinquents. For the purposes of this
35 subdivision, “adjudicated delinquents” means persons who have
36 been found to have committed an offense that, if committed by an
37 adult, would be a criminal offense.

38 (c) Accused status offenders. For the purposes of this
39 subdivision, ‘accused status offenders’ means persons who are

1 charged with an offense that would not be a criminal offense if
2 committed by an adult.

3 (d) Adjudicated status offenders. For the purposes of this
4 subdivision, “adjudicated status offenders” means persons who
5 have been found to have committed an offense that would not be
6 a criminal offense if committed by an adult.

7 (e) Nonoffenders. For the purposes of this subdivision,
8 “nonoffenders” means persons who are in need of supervision and
9 who have not been accused or adjudicated as status offenders or
10 delinquents.

11 9. “Noncompacting State” means any state that has not
12 enacted the enabling legislation for this compact.

13 10. “Probation or Parole” means any kind of supervision or
14 conditional release of juveniles that is authorized under the laws
15 of the compacting states.

16 11. “Rules” means any written statement by the interstate
17 commission that is adopted pursuant to Article 6 of this compact,
18 that is of general applicability and that implements, interprets, or
19 prescribes a policy or provision of the compact, or an
20 organizational, procedural, or practice requirement of the
21 commission, and that has the force and effect of statutory law in
22 a compacting state and includes the amendment, repeal, or
23 suspension of an existing rule.

24 12. “State” means a state of the United States, the District of
25 Columbia or its designee, the Commonwealth of Puerto Rico, the
26 United States Virgin Islands, Guam, American Samoa and the
27 Northern Marianas Islands.

28
29 Article 3. Interstate Commission for Juveniles
30

31 A. The compacting states hereby create the “Interstate
32 Commission for Juveniles.” The interstate commission shall be a
33 body corporate and joint agency of the compacting states. The
34 interstate commission shall have all the responsibilities, powers,
35 and duties set forth herein and such additional powers as may be
36 conferred upon it by subsequent action of the respective
37 legislatures of the compacting states in accordance with the terms
38 of this compact.

39 B. The interstate commission shall consist of commissioners
40 who are appointed by the appropriate appointing authority in each

1 state pursuant to the rules and requirements of each compacting
2 state and in consultation with the state council for interstate
3 juvenile supervision created under this compact. The
4 commissioner shall be the compact administrator, deputy compact
5 administrator, or designee from that state who shall serve on the
6 interstate commission in such capacity under or pursuant to the
7 applicable law of the compacting state.

8 C. In addition to the commissioners who are the voting
9 representatives of each state, the interstate commission shall
10 include individuals who are not commissioners but who are
11 members of interested organizations. The noncommissioner
12 members shall include a member of the national organizations of
13 governors, legislators, state chief justices, attorneys general,
14 interstate compact for the supervision of adult offenders, interstate
15 compact for the placement of children, juvenile justice and
16 juvenile corrections officials, and crime victims. All
17 noncommissioner members of the interstate commission shall be
18 ex officio or nonvoting members. The interstate commission may
19 provide in its bylaws for such additional ex officio or nonvoting
20 members, including members of other national organizations, in
21 such numbers as is determined by the commission.

22 D. Each compacting state represented at any meeting of the
23 interstate commission is entitled to one vote. A majority of the
24 compacting states shall constitute a quorum for the transaction of
25 business, unless a larger quorum is required by the bylaws of the
26 interstate commission.

27 E. The interstate commission shall meet at least once each
28 calendar year. The chairperson may call additional meetings and,
29 upon the request of a simple majority of the compacting states,
30 shall call additional meetings. Public notice shall be given of all
31 meetings, and meetings shall be open to the public.

32 F. The interstate commission shall establish an executive
33 committee which shall include commission officers, members and
34 others as shall be determined by the bylaws. The executive
35 committee shall have the power to act on behalf of the interstate
36 commission during periods when the interstate commission is not
37 in session, with the exception of rule making or amendment to the
38 compact, or both. The executive committee oversees the
39 day-to-day activities of the administration of the compact
40 managed by an executive director and interstate commission staff,



1 administers enforcement and compliance with the provisions of
2 the compact, its bylaws, and rules, and performs other duties as
3 directed by the interstate commission or set forth in the bylaws.

4 G. Each member of the interstate commission shall have the
5 right and power to cast a vote to which that compacting state is
6 entitled and to participate in the business and affairs of the
7 interstate commission. A member shall vote in person and shall not
8 delegate a vote to another compacting state. However, a
9 commissioner, in consultation with the state council, shall appoint
10 another authorized representative, in the absence of the
11 commissioner from that state, to cast a vote on behalf of the
12 compacting state at a specified meeting. The bylaws may provide
13 for members' participation in meetings by telephone or other
14 means of telecommunication or electronic communication.

15 H. The interstate commission's bylaws shall establish
16 conditions and procedures under which the interstate commission
17 shall make its information and official records available to the
18 public for inspection or copying. The interstate commission may
19 exempt from disclosure any information or official records to the
20 extent they would adversely affect personal privacy rights or
21 proprietary interests.

22 I. Public notice shall be given of all meetings and all meetings
23 shall be open to the public, except as set forth in the rules or as
24 otherwise provided in the compact. The interstate commission and
25 any of its committees may close a meeting to the public if it
26 determines by two-thirds vote that an open meeting would be
27 likely to:

28 1. Relate solely to the interstate commission's internal
29 personnel practices and procedures.

30 2. Disclose matters specifically exempted from disclosure by
31 statute.

32 3. Disclose trade secrets or commercial or financial
33 information which is privileged or confidential.

34 4. Involve accusing any person of a crime or formally
35 censuring any person.

36 5. Disclose information of a personal nature if disclosure
37 would constitute a clearly unwarranted invasion of personal
38 privacy.

39 6. Disclose investigative records compiled for law
40 enforcement purposes.

1 7. Disclose information contained in or related to examination,
2 operating or condition reports prepared by, or on behalf of or for
3 the use of, the interstate commission with respect to a regulated
4 person or entity for the purpose of regulation or supervision of that
5 person or entity.

6 8. Disclose information, the premature disclosure of which
7 would significantly endanger the life of a person or the stability of
8 a regulated person or entity.

9 9. Specifically relate to the interstate commission's issuance of
10 a subpoena or its participation in a civil action or other legal
11 proceeding.

12 J. For every meeting closed pursuant to this article, the
13 interstate commission's legal counsel shall publicly certify that, in
14 the legal counsel's opinion, the meeting may be closed to the
15 public and shall reference each relevant provision on which the
16 closed meeting is grounded. The interstate commission shall keep
17 minutes which shall fully and clearly describe all matters
18 discussed in any meeting and shall provide a full and accurate
19 summary of any actions taken, and the reasons therefor, including
20 a description of each of the views expressed on any item and the
21 record of any roll call vote reflected in the vote of each member
22 on the question. All documents considered in connection with any
23 action shall be identified in those minutes.

24 K. The interstate commission shall collect standardized data
25 concerning the interstate movement of juveniles as directed
26 through its rules. The rules shall specify the data to be collected,
27 the means of collection and data exchange and reporting
28 requirements. The methods of data collection, exchange, and
29 reporting shall insofar as is reasonably possible conform to
30 up-to-date technology and coordinate their information functions
31 with the appropriate repository of records.

32
33 Article 4. Powers and Duties of the Interstate Commission for
34 Juveniles

35
36 The Interstate Commission for Juveniles shall have the
37 following powers:

38 1. To provide for dispute resolution among compacting states.

39 2. To promulgate rules to effect the purposes and obligations as
40 enumerated in this compact. The rules shall have the force and



1 effect of statutory law and shall be binding in the compacting states
2 to the extent and in the manner provided in this compact.

3 3. To oversee, supervise, and coordinate the interstate
4 movement of juveniles subject to the terms of this compact and any
5 bylaws adopted and rules promulgated by the interstate
6 commission.

7 4. To enforce compliance with compact provisions, interstate
8 commission rules, and bylaws, using all necessary and proper
9 means, including, but not limited to, the use of judicial process.

10 5. To establish and maintain offices which shall be located
11 within one or more of the compacting states.

12 6. To purchase and maintain insurance and bonds.

13 7. To borrow, accept, hire or contract for services of personnel.

14 8. To establish and appoint committees and hire staff which it
15 deems necessary for the carrying out of its functions including, but
16 not limited to, an executive committee as required by Article 3
17 which shall have the power to act on behalf of the interstate
18 commission in carrying out its powers and duties hereunder.

19 9. To elect or appoint such officers, attorneys, employees,
20 agents, or consultants, to fix their compensation, define their
21 duties and determine their qualifications, and to establish the
22 interstate commission's personnel policies and programs relating
23 to, among other things, conflicts of interest, rates of compensation,
24 and qualifications of personnel.

25 10. To accept any and all donations and grants of money,
26 equipment, supplies, materials, and services and to receive, utilize,
27 and dispose of them.

28 11. To lease, purchase, accept contributions or donations of, or
29 otherwise to own, hold, improve, or use, any property, real,
30 personal, or mixed.

31 12. To sell, convey, mortgage, pledge, lease, exchange,
32 abandon or otherwise dispose of any property, real, personal, or
33 mixed.

34 13. To establish a budget and make expenditures and levy dues
35 as provided in article 8 of this compact.

36 14. To sue and be sued.

37 15. To adopt a seal and bylaws governing the management and
38 operation of the interstate commission.

39 16. To perform such functions as may be necessary or
40 appropriate to achieve the purposes of this compact.

1 17. To report annually to the legislatures, governors, judiciary,
2 and state councils of the compacting states concerning the
3 activities of the interstate commission during the preceding year.
4 These reports shall also include any recommendations that may
5 have been adopted by the interstate commission.

6 18. To coordinate education, training, and public awareness
7 regarding the interstate movement of juveniles for officials
8 involved in such activity.

9 19. To establish uniform standards for the reporting, collecting,
10 and exchanging of data.

11 20. To maintain its corporate books and records in accordance
12 with the bylaws.

13
14 Article 5. Organization and Operation of the Interstate
15 Commission for Juveniles
16

17 A. The Interstate Commission for Juveniles shall, by a majority
18 of the members, within twelve months of the first interstate
19 commission meeting, adopt bylaws to govern its conduct as may
20 be necessary or appropriate to carry out the purposes of the
21 compact, including, but not limited to:

22 1. Establishing the fiscal year of the interstate commission.

23 2. Establishing an executive committee and such other
24 committees as may be necessary.

25 3. Providing for the establishment of committees governing
26 any general or specific delegation of any authority or function of
27 the interstate commission

28 4. Providing reasonable procedures for calling and conducting
29 meetings of the interstate commission and ensuring reasonable
30 notice of each such meeting.

31 5. Establishing the titles and responsibilities of the officers of
32 the interstate commission.

33 6. Providing a mechanism for winding up the operations of the
34 interstate commission and the equitable return of any surplus funds
35 that may exist upon the termination of the compact after the
36 payment or reserving, or both, of all of its debts and obligations.

37 7. Providing start-up rules for initial administration of the
38 compact.

39 8. Establishing standards and procedures for compliance and
40 technical assistance in carrying out the compact.



1 B. The interstate commission shall, by a majority of the
2 members, elect from among its members a chairperson and a
3 vice-chairperson, each of whom shall have such authorities and
4 duties as may be specified in the bylaws. The chairperson or, in the
5 chairperson's absence or disability, the vice-chairperson, shall
6 preside at all meetings of the interstate commission. The officers
7 so elected shall serve without compensation or remuneration from
8 the interstate commission, except that, subject to the availability
9 of budgeted funds, the officers shall be reimbursed for any actual
10 and necessary costs and expenses incurred by them in the
11 performance of their duties and responsibilities as officers of the
12 interstate commission.

13 C. The interstate commission shall, through its executive
14 committee, appoint or retain an executive director for such period,
15 upon such terms and conditions and for such compensation as the
16 interstate commission may deem appropriate. The executive
17 director shall serve as secretary to the interstate commission, shall
18 not be a member, and shall hire and supervise such other staff as
19 may be authorized by the interstate commission.

20 D. The interstate commission's executive director and
21 employees shall be immune from suit and liability, either
22 personally or in their official capacity, for any claim for damage
23 to or loss of property or personal injury or other civil liability
24 caused or arising out of any actual or alleged act, error or omission
25 that occurred within the scope of interstate commission
26 employment, duties, or responsibilities, except that any such
27 person shall not be protected from suit or liability for any damage,
28 loss, injury or liability caused by the intentional or willful and
29 wanton misconduct of any such person.

30 E. The liability of any commissioner, or the employee or agent
31 of a commissioner, acting within the scope of that person's
32 employment or duties for acts, errors or omissions occurring
33 within that person's state may not exceed the limits of liability set
34 forth under the constitution and laws of that state for state officials,
35 employees, and agents. Nothing in this subsection shall be
36 construed to protect any such person from suit or liability for any
37 damage, loss, injury or liability caused by the intentional or willful
38 and wanton misconduct of that person.

39 F. The interstate commission shall defend the executive
40 director or the employees or representatives of the interstate

1 commission and, subject to the approval of the attorney general of
2 the state represented by any commissioner of a compacting state,
3 shall defend the commissioner or the commissioner's
4 representatives or employees in any civil action seeking to impose
5 liability arising out of any actual or alleged act, error, or omission
6 that occurred within the scope of interstate commission
7 employment, duties, or responsibilities, or that the defendant had
8 a reasonable basis for believing occurred within the scope of
9 interstate commission employment, duties, or responsibilities, if
10 the actual or alleged act, error, or omission did not result from
11 intentional or willful and wanton misconduct on the part of that
12 person.

13 G. The interstate commission shall indemnify and hold the
14 commissioner of a compacting state, the commissioner's
15 representatives or employees, or the interstate commission's
16 representatives or employees harmless in the amount of any
17 settlement or judgment obtained against those persons arising out
18 of any actual or alleged act, error, or omission that occurred within
19 the scope of interstate commission employment, duties or
20 responsibilities, or that those persons had a reasonable basis for
21 believing occurred within the scope of interstate commission
22 employment, duties, or responsibilities, if the actual or alleged act,
23 error, or omission did not result from intentional or willful and
24 wanton misconduct on the part of that person.

25
26 Article 6. Rule Making Functions of the Interstate
27 Commission
28

29 A. The Interstate Commission for Juveniles shall promulgate
30 and publish rules in order to effectively and efficiently achieve the
31 purposes of the compact.

32 B. Rule making shall occur pursuant to the criteria set forth in
33 this article and the bylaws and rules adopted pursuant thereto. This
34 rule making shall substantially conform to the principles of the
35 "Model State Administrative Procedures Act," 1981 Act,
36 Uniform Laws Annotated, vol. 15, p. 1 (2000), or such other
37 administrative procedures act, as the interstate commission deems
38 appropriate consistent with due process requirements under the
39 United States Constitution as now or hereafter interpreted by the
40 United States Supreme Court. All rules and amendments shall



1 become binding as of the date specified in each rule or amendment,
2 as published with the final version of the rule as approved by the
3 interstate commission.

4 C. When promulgating a rule, the interstate commission, at a
5 minimum, shall do all of the following:

6 1. Publish the proposed rule's entire text stating the reason for
7 the proposed rule.

8 2. Allow and invite persons to submit written data, facts,
9 opinions and arguments. This information shall be added to the
10 record and made publicly available.

11 3. Provide an opportunity for an informal hearing if petitioned
12 by ten or more persons.

13 4. Promulgate a final rule and its effective date, if appropriate,
14 based on input from state or local officials or interested parties.

15 D. Not later than sixty days after a rule is promulgated, any
16 interested person may file a petition in the United States District
17 Court for the District of Columbia or in the federal district court
18 where the interstate commission's principal office is located for
19 judicial review of that rule. If the court finds that the interstate
20 commission's action is not supported by substantial evidence in
21 the rule making record, the court shall hold the rule unlawful and
22 set it aside.

23 E. If a majority of the legislatures of the compacting states
24 rejects a rule, by enactment of a statute or resolution in the same
25 manner used to adopt the compact, the rule shall have no further
26 force and effect in any compacting state.

27 F. The existing rules governing the operation of the Interstate
28 Compact on Juveniles superseded by this act shall be null and void
29 twelve months after the first meeting of the interstate commission
30 created hereunder, unless the interstate commission extends the
31 operative effect of a rule or rules.

32 G. Upon determination by the interstate commission that an
33 emergency exists, it may promulgate an emergency rule which
34 shall become effective immediately upon adoption, except that the
35 usual rule making procedures provided hereunder shall be
36 retroactively applied to the rule as soon as reasonably possible, but
37 no later than ninety days after the effective date of the emergency
38 rule.

39



1 Article 7. Oversight, Enforcement and Dispute Resolution By
2 the Interstate Commission
3

4 A. The interstate commission shall oversee the administration
5 and operation of the interstate movement of juveniles subject to
6 this compact in the compacting states and shall monitor activities
7 being administered in noncompacting states which may
8 significantly affect compacting states.

9 B. The courts and executive agencies in each compacting state
10 shall enforce this compact and shall take all actions necessary and
11 appropriate to effectuate the compact's purposes and intent. The
12 provisions of this compact and the rules promulgated hereunder
13 shall be received by all the judges, public officers, commissions
14 and departments of the state government as evidence of the
15 authorized statute and administrative rules. All courts shall take
16 judicial notice of the compact and the rules. In any judicial or
17 administrative proceeding in a compacting state pertaining to the
18 subject matter of this compact which may affect the powers,
19 responsibilities, or actions of the interstate commission, the
20 interstate commission shall be entitled to receive all service of
21 process in any such proceeding and shall have standing to
22 intervene in the proceeding for all purposes.

23 C. The compacting states shall report to the interstate
24 commission on issues or activities necessary for the administration
25 of the compact as well as issues and activities pertaining to
26 compliance with the provisions of the compact and its bylaws and
27 rules.

28 D. On the request of a compacting state, the interstate
29 commission shall attempt to resolve any disputes or other issues
30 which are subject to the compact and which may arise among
31 compacting states and between compacting and noncompacting
32 states. The interstate commission shall promulgate a rule
33 providing for both mediation and binding dispute resolution for
34 disputes among the compacting states.

35 E. The interstate commission, in the reasonable exercise of its
36 discretion, shall enforce the provisions and rules of this compact
37 using any or all means set forth in Article 11 of this compact.
38



Article 8. Finance

A. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states which governs the assessment.

C. The interstate commission shall not incur any obligations of any kind before securing the funds adequate to meet the same. Nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

Article 9. The State Council

A. Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership shall include at least one representative from the legislative, judicial, and executive branches of government, victims groups and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the

1 qualifications of the compact administrator or deputy
2 administrator.

3 B. Each state council shall exercise oversight and advocacy
4 concerning that state's participation in interstate commission
5 activities and other duties as determined by that state, including,
6 but not limited to, the development of policy concerning
7 operations and procedures of the compact within that state.

8
9 Article 10. Compacting States, Effective Date and
10 Amendment
11

12 A. Any state, the District of Columbia or its designee, the
13 Commonwealth of Puerto Rico, the United States Virgin Islands,
14 Guam, American Samoa and the Northern Marianas Islands as
15 defined in Article 2 of this compact are eligible to become
16 compacting states.

17 B. The compact shall become effective and binding upon
18 legislative enactment of the compact into law by no less than
19 thirty-five of the states. The initial effective date shall be the later
20 of July 1, 2004, or upon enactment into law by the thirty-fifth
21 jurisdiction. Thereafter it shall become effective and binding as to
22 any other compacting state, upon enactment of the compact into
23 law by that state. The governors of nonmember states or their
24 designees will be invited to participate in interstate commission
25 activities on a nonvoting basis before adoption of the compact by
26 all states and territories of the united states.

27 C. The interstate commission may propose amendments to the
28 compact for enactment by the compacting states. No amendment
29 shall become effective and binding upon the interstate commission
30 and the compacting states unless and until it is enacted into law by
31 unanimous consent of the compacting states.

32
33 Article 11. Withdrawal, Default, Termination and Judicial
34 Enforcement
35

36 A. Once effective, the compact shall continue in force and
37 remain binding upon each and every compacting state, except that
38 a compacting state may withdraw from the compact by enacting
39 a statute specifically repealing the statute which enacted the



1 compact into law. The effective date of withdrawal is the effective
2 date of the repeal.

3 B. The withdrawing state shall immediately notify the
4 chairperson of the interstate commission in writing upon the
5 introduction of legislation repealing this compact in the
6 withdrawing state. The interstate commission shall notify the
7 other compacting states of the withdrawing state's intent to
8 withdraw within sixty days of its receipt thereof.

9 C. The withdrawing state is responsible for all assessments,
10 obligations, and liabilities incurred through the effective date of
11 withdrawal, including any obligations, the performance of which
12 extend beyond the effective date of withdrawal.

13 D. Reinstatement following withdrawal of any compacting
14 state shall occur upon the withdrawing state reenacting the
15 compact or upon such later date as determined by the interstate
16 commission.

17 E. If the interstate commission determines that any compacting
18 state has at any time defaulted in the performance of any of its
19 obligations or responsibilities under this compact, the bylaws, or
20 any duly promulgated rules, the interstate commission may
21 impose any or all of the following penalties:

22 1. Remedial training and technical assistance as directed by the
23 interstate commission.

24 2. Alternative dispute resolution.

25 3. Fines, fees, and costs in such amounts as are deemed to be
26 reasonable as fixed by the interstate commission.

27 4. Suspension or termination of membership in the compact.
28 Suspension shall be imposed only after all other reasonable means
29 of securing compliance under the bylaws and rules have been
30 exhausted and the interstate commission has therefore determined
31 that the offending state is in default. Immediate notice of
32 suspension shall be given by the interstate commission to the
33 governor, the chief justice or chief judicial officer of the state, the
34 majority and minority leaders of the defaulting state's legislature,
35 and the state council. The grounds for default include, but are not
36 limited to, failure of a compacting state to perform obligations or
37 responsibilities imposed upon it by this compact, the bylaws or
38 duly promulgated rules, and any other grounds designated in
39 commission bylaws and rules. The interstate commission shall
40 immediately notify the defaulting state in writing of the penalty

1 imposed by the interstate commission on the defaulting state
2 pending a cure of the default. The interstate commission shall
3 stipulate the conditions and the time period within which the
4 defaulting state must cure its default. If the defaulting state fails to
5 cure the default within the time period specified by the interstate
6 commission, the defaulting state shall be terminated from the
7 compact upon an affirmative vote of a majority of the compacting
8 states and all rights, privileges, and benefits conferred by this
9 compact shall be terminated from the effective date of termination.

10 F. Within sixty days of the effective date of termination of a
11 defaulting state, the interstate commission shall notify the
12 governor, the chief justice or chief judicial officer, the majority and
13 minority leaders of the defaulting state's legislature and the state
14 council of that termination.

15 G. The defaulting state is responsible for all assessments,
16 obligations, and liabilities incurred through the effective date of
17 termination, including any obligations, the performance of which
18 extends beyond the effective date of termination.

19 H. The interstate commission shall not bear any costs relating
20 to the defaulting state unless otherwise mutually agreed upon
21 between the interstate commission and the defaulting state.

22 1. Reinstatement following termination of any compacting
23 state requires both a reenactment of the compact by the defaulting
24 state and the approval of the interstate commission pursuant to the
25 rules.

26 J. The interstate commission, by majority vote of the members,
27 may initiate legal action in the United States District Court for the
28 District of Columbia or, at the discretion of the interstate
29 commission, in the federal district where the interstate
30 commission has its offices to enforce compliance with the
31 provisions of the compact, and its duly promulgated rules and
32 bylaws, against any compacting state in default. In the event
33 judicial enforcement is necessary, the prevailing party shall be
34 awarded all costs of that litigation, including reasonable attorney
35 fees.

36 K. The compact dissolves effective upon the date of the
37 withdrawal or default of the compacting state which reduces
38 membership in the compact to one compacting state. Upon the
39 dissolution of this compact, the compact becomes null and void
40 and shall be of no further force or effect, and the business and



1 affairs of the interstate commission shall be wound up and any
2 surplus funds shall be distributed in accordance with the bylaws.

3
4 Article 12. Severability and Construction
5

6 A. The provisions of this compact shall be severable, and if any
7 phrase, clause, sentence or provision is deemed unenforceable, the
8 remaining provisions of the compact shall be enforceable.

9 B. The provisions of this compact shall be liberally construed
10 to effectuate its purposes.

11
12 Article 13. Binding effect of compact and other laws
13

14 A. Nothing herein prevents the enforcement of any other law
15 of a compacting state that is not inconsistent with this compact.

16 B. All compacting states' laws, other than state constitutions,
17 and other interstate compacts conflicting with this compact are
18 superseded to the extent of the conflict.

19 C. All lawful actions of the interstate commission, including all
20 rules and bylaws promulgated by the interstate commission, are
21 binding on the compacting states. All agreements between the
22 interstate commission and the compacting states are binding in
23 accordance with their terms.

24 D. On the request of a party to a conflict over meaning or
25 interpretation of interstate commission actions, and on a majority
26 vote of the compacting states, the interstate commission may issue
27 advisory opinions regarding that meaning or interpretation.

28 E. In the event any provision of this compact exceeds the
29 constitutional limits imposed on the legislature of any compacting
30 state, the obligations, duties, powers, or jurisdiction sought to be
31 conferred by that provision upon the interstate commission shall
32 be ineffective and the obligations, duties, powers, or jurisdiction
33 shall remain in the compacting state and shall be exercised by the
34 agency thereof to which the obligations, duties, powers, or
35 jurisdiction are delegated by law in effect at the time this compact
36 becomes effective.

37 SEC. 2. All remedies and procedures provided by this
38 compact shall be in addition to and not in substitution of other
39 rights, remedies and procedures provided by the United States
40 Constitution and the California Constitution and other governing

1 law, and shall not be in derogation of parental rights and
2 responsibilities.

3 SEC. 3. (a) The Interstate Compact for Juveniles described in
4 Section 1310 of the Welfare and Institutions Code shall supersede,
5 when it takes effect pursuant to the terms of Article 10 of the
6 compact, the Interstate Compact on Juveniles described in
7 Sections 1300 to 1308, inclusive, of the Welfare and Institutions
8 Code.

9 (b) The state compact administrator shall notify in writing the
10 Governor, the President of the Senate, and the Speaker of the
11 Assembly when the compact takes effect pursuant to the terms of
12 Article 10 of the Interstate Compact for Juveniles.

